

Calif.

BAY AREA
AIR POLLUTION CONTROL DISTRICT
1480 Mission Street
San Francisco 3, California
KLondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING

Wednesday ✓
March 1, 1961
10:00 A.M.

1480 Mission Street
San Francisco 3
California

M I N U T E S

The members of the Board of Directors of the Bay Area Air Pollution Control District met this date, there being present the following:

Andrew C. Byrd, William C. Blake, Warren G. "Bud" Buchanan, T. Louis Chess, Sam Della Maggiore, Francis Dunn, Clarence D. Erickson, William Gness, Clarissa S. McMahon, Alberto E. Merrill, and Weldon L. Richards.

BOARD MEMBERS ABSENT: None.

ADVISORY COUNCIL MEMBERS PRESENT: D. Reed Cronin, William B. McCormick, William J. O'Connell, and Dr. W. Elwyn Turner.

HEARING BOARD MEMBER PRESENT: E. Spencer Bodine.

STAFF MEMBERS PRESENT: Benjamin Linsky, Patrick J. Moran, Matthew Walker, Joseph Coons, M. Klauser, and N. Howell.

100-443887-100

1991, 10:07 AM
MAR 10 1991

[illegible]

RECEIVED JUL 22 1966

Chairman Byrd called the meeting to order at 10:40 A.M.

Mr. Merrill moved approval of the minutes of the Board's regular meeting held February 1, 1961. Seconded by Mr. Della Maggiore. Carried.

Chairman Byrd reported that the Executive Committee had met prior to the Board meeting. The Committee considered possible alteration of the existing policy concerning travel of staff members outside the District, he said, but took no final action at this meeting.

Mr. Dunn, Chairman of the Legislative Committee, reported that the Committee had held two meetings since the last Board meeting: on February 17 and March 1, 1961.

Mr. Dunn reported that Board Resolution No. 195, calling for a fast tax write-off on air pollution control equipment, had been introduced on behalf of the District by Senator Richard J. Dolwig at the State Legislature on February 15, 1961, as Senate Joint Resolution No. 17. The proposed resolution is now in a Senate Committee, he stated, and requires no action by the District at this time.

Mr. Dunn reported the Legislative Committee had approved the draft of a letter prepared by the District Counsel that clarifies the District's powers, policy, and attitude in regard to contracts and compensation for services to the District under the Joint Exercise of Powers Act. Following discussion of the drafted letter, the Board authorized Chairman Byrd to sign and send out copies of this letter to all districts, counties, and cities within the District.

Mr. Dunn called attention to Model Ordinances A and B prepared by the District Counsel at the direction of the Legislative Committee. Model A, he said, covers Regulation 1, and Model B covers not only Regulation 1 but also some aspects of Regulation 2. Assuming these model ordinances are approved by the Board, said Mr. Dunn, the next step is their dissemination to officials of local agencies, with the request that they be adopted. Following a discussion of the District's obligation and ability to compensate local agencies for enforcement of air pollution control regulations, Mr. Dunn reported that it was the recommendation of the Legislative Committee that Model Ordinances A and B be adopted as model ordinances by the Board for submission to the cities and counties within the District for their action. Mr. Dunn introduced Resolution No. 203, "In the Matter of Recommending to Local Agencies the Adoption of Local Ordinances Regulating Air Pollution," and moved its adoption. Seconded by Mr. Chess. After the resolution was read by District Counsel Matthew Walker, it was adopted by unanimous vote on roll call.

Mr. Walker suggested that a sample resolution of intent, for adoption by local agencies, accompany Resolution No. 203 and Model Ordinances A and B. Mr. Walker read a sample resolution entitled, "In the Matter of Instructing the City Manager to Secure Compliance with Air Pollution Control Regulations for All Permits and Licenses Issued

by the City Council of the City of _____." Mr. Dunn moved that the Board adopt this as a sample resolution to accompany Resolution No. 203 and Model Ordinances A and B. Seconded by Mr. Chess. Mr. Blake suggested that the sample resolution include a specific provision for making air pollution control regulations applicable to municipal governments and local agencies, as well as to individuals and private business. Mr. Dunn said he would include that in his motion. Seconded by Mr. Chess. Carried.

Mr. Dunn moved that the District Counsel and the Control Officer be instructed to make the necessary typographical and clerical error corrections in Model Ordinances A and B, and other minor corrections which do not constitute substantive changes, before submitting such model ordinances to local agencies. Seconded by Mr. Chess. Carried.

Mr. Merrill was excused at 11:30 A.M.

Mr. Dunn reported the Legislative Committee, after considering the Attorney General's Opinion that District regulations do not apply to State agencies, had recommended the following amendment to Health and Safety Code Section 24360.9:

"Except as provided in Sections 24360.1 and 24360.2, orders, rules, and regulations of the Board shall apply to the State, every State agency, governmental subdivision, district, public and quasi-public corporation, public agency, and public service corporation, and every town, city, county, city and county, and municipal corporation."

Mr. Dunn introduced Resolution No. 204, "In the Matter of Recommending to the State Legislature an Amendment to the Bay Area Air Pollution Control Law Making Regulations of this District Applicable, with Certain Exceptions, to Local Agencies," and moved its adoption. Seconded by Mr. Chess. After being read by Mr. Walker, the resolution was adopted by unanimous vote on roll call.

Mr. Dunn reported that the Legislative Committee, after considering several possibilities for adding misdemeanor authority to the powers of the District, had recommended improvement of Hearing Board procedures to eliminate intermediate steps in enforcement proceedings. The Committee had accordingly, he said, directed the District Counsel to prepare a draft of revisions to the Health and Safety Code, Chapter 2.5, Division 20, to amend Article 10 and add Article 13.5. Following discussion of the drafted revisions, it was recommended that Section 24368.6 of Article 13.5 be amended to provide for mandatory or prohibitory injunction proceedings against violators of orders of abatement issuing from the Hearing Board. Mr. Dunn introduced Resolution No. 205, "In the Matter of Recommending an Amendment to the Bay Area Air Pollution Control Law Improving Hearing Board Procedures," and moved its adoption. Seconded by Mr. Erickson. After being read by Mr. Walker, the resolution was adopted by unanimous vote on roll call.

Mr. Dunn stated the Legislative Committee recommended that legislation incorporating the above changes in the District Law be introduced at the current session of the State Legislature, with a provision that the bill be subject to author's amendments, especially to Section 24368.6. Mr. Dunn stated that such amendments to the proposed legislation would be considered by the Legislative Committee and the staff for presentation to the Board at its next meeting.

Mr. Richards was excused at 11:45 A.M.

Mr. Chess, Chairman of the Budget & Finance Committee, summarized the District's Appropriation Statement & Cash Position as of January 31, 1961, and moved its approval. Seconded by Mr. Gness. Carried.

Mr. Chess introduced Resolution No. 206, "In the Matter of Appropriating Money (\$208) for Legislative Bill Service," and moved its adoption. Seconded by Mr. Erickson. Adopted by unanimous vote on roll call.

Mr. Chess reported the Budget & Finance Committee had met on February 8, 1961, and had recommended certain fund transfers covered in the resolutions listed below.

Mr. Chess introduced Resolution No. 207, "In the Matter of Transferring Funds (\$160) from the Photographic and Photostatic Equipment Account to Field and Engineering Equipment," and moved its adoption. Seconded by Mr. Erickson. Adopted by unanimous vote on roll call.

Mr. Chess introduced Resolution No. 208, "In the Matter of Authorizing the Return for Credit (\$450) of a Portable Ozone Recorder to the Mast Development Company," and moved its adoption. Seconded by Mr. Dunn. Adopted by unanimous vote on roll call.

Mr. Chess introduced Resolution No. 209, "In the Matter of Appropriating Funds (\$625) for an Annual Report," and moved its adoption. Seconded by Mr. Gness. Adopted by unanimous vote on roll call.

Mr. Chess introduced Resolution No. 210, "In the Matter of Authorizing the Free Distribution of Copies of Regulation 2 and Technical Information Reports to News Media," and moved its adoption. Seconded by Mr. Blake. Adopted by unanimous vote on roll call.

Mr. Chess reported that the Budget & Finance Committee, at its meeting on February 8, 1961, had also recommended the following actions not covered by the above resolutions:

1. That no charge be made for copies of Hearing Board Procedures.
2. That the Control Officer look into the air pollution source situation in Napa, Sonoma, and Solano Counties and advise the Committee on this matter.

3. That the Control Officer develop a draft of a formula which could be used to compute reimbursement to local agencies for enforcement assistance.
4. That the wording used in the policy on "Proposed Fee Schedule for Source Test Recommendations" be changed from "except in cases of refereeing" to "except in special cases."

Mr. Chess moved acceptance of the Budget & Finance Committee's report for the information of the Board and the guidance of the staff. Seconded by Mr. Buchanan. Carried.

Mr. McCormick, Chairman of the Advisory Council, reported that the Council had not had a meeting since the Board's last meeting, and would have its next regular meeting on March 29, 1961. He stated he expects to have a report at the Board's April meeting on referrals regarding improvement of definitions of orchard heaters and improvement and control of watersheds.

Mr. Benjamin Linsky, Air Pollution Control Officer, called attention to a memorandum dated February 28, 1961, from J. D. Coons, Director of Enforcement, subject: "Current Status of Compliance Schedules." Mr. Linsky advised that with respect to compliance schedules for Regulation 2, there were five dates of compliance: engineering, procurement, fabrication, installation, and the final date of adjustment. Mr. Dunn asked that the final date of adjustment be included in future reports on compliance schedules.

Mr. Buchanan stated he had a resolution from Contra Costa County which directed him to obtain information regarding organizations which have been granted extensions for compliance with Regulation 2, and on what basis such extensions have been granted. Mr. Della Maggiore stated he would like to know about the organizations that did not submit compliance schedules but are in full compliance with the Regulation. Mr. Linsky stated only a partial list of the organizations in full compliance is available to the staff. A block-by-block survey would be required, he said, to compile a complete list of all those in compliance with Regulation 2. Mr. Linsky stated he would write a cover memorandum to the Board accompanying the next report on compliance schedules, making clear what the list does and does not include.

Mr. Buchanan stated he had been advised by Contra Costa County that the District does not now, and has no plan to keep the County informed of compliance with Regulation 2. Mr. Linsky stated the staff had developed its plan and is beginning to keep the counties informed by a report similar to the one prepared by the Director of Enforcement on compliance schedules. Chairman Byrd ordered that this be the policy in the future.

Mr. Linsky read his memorandum dated March 1, 1961, regarding abuses of fire training and fire hazard open burning permit authority. Following discussion, Mr. Chess and Mr. Gness requested that meetings

be arranged with the associations of fire chiefs in San Mateo County and Marin County to discuss these abuses. Mr. Della Maggiore requested that the Control Officer notify the appropriate members of the Board when arranging such meetings in the counties.

Mr. Blake was excused at 12:30 P.M.

Mr. Linsky reported on the meetings attended by himself and members of the District staff since the last Board meeting.

Mr. Linsky informed the Board that the Advisory Committee on Air Sanitation to the State Department of Public Health, at its meeting in February, had approved his recommendation that standards be set for odorous emissions from diesel buses and trucks. The Director of the State Department of Public Health accepted this recommendation for his staff, and it is expected that it would take several months, possibly a year, to accomplish.

Mr. Seymour Moubert, Director of Public Information and Education, outlined the staff's tentative program for urging acceptance of model ordinances by local agencies. He stated a meeting would be arranged in each county of the District, calling together all city officials, county officials, boards of supervisors, health officers, planning commissioners, and fire officials, to acquaint them with the model ordinances. It is planned, he said, that the meetings will be held in the chambers of the Board of Supervisors of each county. Advance notice of 45 days will be given for each meeting, he stated, and the initial mailing list to the six counties asking for permission to use their facilities would go out within a couple of days.

Mr. Walker reported on cases before the Hearing Board and Superior Court. Two new cases are in the course of preparation for filing before the Hearing Board, he said. Mr. Walker called attention to his written summary of legislation before the State Legislature. He advised that A.B. 1228, raising the District's tax rate from 1¢ to 2¢, is scheduled for hearing before the Assembly Committee in Sacramento on Thursday, March 9, at 1:30 P.M., in Room 2170 of the Capitol Annex. Mr. Walker called attention to Senate Bill 651 which establishes certain limits to extensions of liability of public agencies for torts (negligent or wrongful conduct) and a cooperative insurance program proposed in connection with this bill. Mr. Chess moved that Mr. Dunn be authorized to travel to Sacramento at the District's expense to represent the District in supporting A.B. 1228, S.B. 651, and other legislation of interest to the District. Seconded by Mr. Buchanan. Carried. Mr. Chess suggested that the Legislative Committee determine whether or not an ad hoc committee should be appointed by the Board to consider Senate Bill 651 and the cooperative insurance program.

Mr. Buchanan reported the following communications had been received by the Board since its last regular meeting:

Communications from U. S. Congressmen regarding Resolution to provide fast tax write-off for air pollution equipment:

Senator Thomas H. Kuchel	Feb. 9, 1961
Congressman W. S. Mailliard	Feb. 3, 1961
Congressman John F. Shelley	Feb. 2, 1961
Congressman John F. Baldwin	Feb. 2, 1961
Congressman J. Arthur Younger	Jan. 31, 1961
Congressman George P. Miller	Jan. 30, 1961

Communication from Mr. Luther A. Nichols, Executive Vice President, California Manufacturers Association, acknowledging "certificate of merit" from the Board, and setting forth their full cooperation in the Board's efforts to improve the quality of air in the Bay Area.

Communication from Chief William Murray of the San Francisco Fire Department dated Feb. 21, 1961, in response to Mr. Byrd's circular letter of Feb. 15, 1961, advising us that the San Francisco Fire Department is complying with smog control regulations. It also points out that the practice of burning off dry grass and weeds from vacant areas has been discontinued.

Communication from Mr. N. R. Naegle, Deputy Supt., San Mateo City School District, dated Feb. 23, 1961, advising that the San Mateo City School District is complying with smog control regulations, and that burning of waste materials in School Incinerators ceased Dec. 31, 1960, as the incinerators did not conform to smog regulations.

Mr. Dunn advised that he had a copy of a letter from the Oakland Chamber of Commerce to Assemblyman W. Byron Rumford supporting A.B. 1228.

Mr. Moran advised that at the request of Mr. Chess, Resolution No. 211 had been prepared extending thanks to John Yocom for his past excellent service to the District as Director of Technical Services, and expressing the Board's best wishes for his future endeavors. Resolution No. 211 was adopted by unanimous vote on roll call.

Mr. Moran requested authorization to fill existing vacancies in the two laboratory technician positions on the District staff. Mr. Dunn moved that these vacancies be filled. Seconded by Mr. Chess. Carried.

Mr. Gness introduced Resolution No. 212, "In the Matter of Memorializing the Death of Arthur Kanzee, Jr." The resolution was read in full by Mr. Walker and adopted by unanimous vote.

Chairman Byrd ordered that a suitably prepared copy of this Resolution be transmitted to Margaret Kanzee.

There being no further business, Chairman Byrd adjourned the meeting in memory of Arthur Kanzee, Jr.

Chairman Byrd set the time and place of the next regular meeting at 10:00 A.M., April 5, 1961, at the District office, 1480 Mission Street, San Francisco, California.

The meeting adjourned at 1:00 P.M.

Respectfully submitted,

Warren G. "Bud" Buchanan
Secretary, Board of Directors

NH
3/6/61

BAY AREA
AIR POLLUTION CONTROL DISTRICT
1480 Mission Street
San Francisco 3, California
KLondike 2-1300

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

Wednesday
May 3, 1961
10:00 A.M.

1480 Mission Street
San Francisco 3
California

M I N U T E S

The members of the Board of Directors of the Bay Area Air Pollution Control District met this date, there being present the following:

Dr. Charles W. Aby, Andrew C. Byrd, William C. Blake, Warren G. "Bud" Buchanan, T. Louis Chess, Sam Della Maggiore, Francis Dunn, Clarence D. Erickson, William Gness, Clarissa S. McMahon, Alberto E. Merrill, and Weldon L. Richards.

BOARD MEMBERS ABSENT: None.

ADVISORY COUNCIL MEMBERS PRESENT: D. Reed Cronin, William B. McCormick, W. J. O'Connell, Ralph W. Shafor, and Dr. W. Elwyn Turner.

HEARING BOARD MEMBER PRESENT: E. Spencer Bodine.

STAFF MEMBERS PRESENT: Benjamin Linsky, Patrick J. Moran, Matthew S. Walker, Seymour Moubert, M. Klauser, and N. Howell.

Chairman Byrd called the meeting to order at 10:20 A.M.

Mr. Richards moved approval of the minutes of the Board of Directors Regular Meeting held April 5, 1961. Seconded by Mr. Merrill. Carried.

Chairman Byrd announced that, in the absence of any objection, the reports from Mr. Dunn, Chairman of the Legislative Committee, and Mr. Linsky, Air Pollution Control Officer, would be received first on the agenda because it was necessary for them to leave the meeting early.

Mr. Dunn reported that A.B. 1228 had been amended by its author, Byron Rumford, as follows:

1. To provide for a .6¢ increase in the District's tax rate for the first year and a full 1¢ increase thereafter;
2. To prohibit taxing so as to result in surpluses; and
3. To delete the urgency clause.

The bill as amended, said Mr. Dunn, was reported out of Committee with a "Do Pass," and is now on the third reading file in the Assembly.

Mr. Dunn called attention to A.B. 2717, which he said had been introduced by Mr. Knox by request. This bill, said Mr. Dunn, spells out the District's obligation to enter into negotiations with each of the cities and counties in the District with a view to reaching agreement on contracts for performance of services and reimbursement. Mr. Dunn said the mandate for such negotiation already exists in Section 24354.10 of the Health and Safety Code and that A.B. 2717 was therefore unnecessary. Mr. Linsky reported that he had requested an opinion from District Counsel Matthew Walker on A.B. 2717, and he read the opinion handed down by Mr. Walker as to the authorization of the city or county official to file an accusation before the Hearing Board, whether or not the District Air Pollution Control Officer considered the case a suitable one. Mr. Buchanan moved that the Board support and endorse A.B. 2717. Seconded by Mr. Erickson. During discussion of the motion, Mr. Walker advised that if A.B. 2717 passes, specific sums will have to be included in the District's budget for reimbursement to local agencies for services to the District. Mrs. McMahon asked about the amounts included in the proposed 1.6¢ budget for subvention purposes. Mr. Linsky advised that the 1.6¢ proposed budget provided that approximately \$150,000 could be used for subvention under contract with the counties. Mrs. McMahon directed that the line items in the budget which are available for subvention be clearly marked, such as with an asterisk or a footnote, for clarification purposes. Following further discussion, the motion to support A.B. 2717 failed by the following vote:

AYES: BUCHANAN, DELLA MAGGIORE, ERICKSON, GNOSS.

NOES: ABY, BLAKE, CHESS, DUNN, MCMAHON, RICHARDS, BYRD.

ABSTAINING: MERRILL.

Mr. Dunn moved that the Board request amendment of A.B. 2717, page 3, lines 5 and 6, to eliminate the words "one cent (\$0.01)" and substitute language to conform with the provisions of A.B. 1228; and beyond that take no position on the bill. Seconded by Dr. Aby. Following a voice vote, Chairman Byrd declared the motion carried.

Mr. Dunn and Mr. Blake were excused at 11:20 A.M.

Mr. Linsky reported the District staff had developed a program for model ordinance presentation meetings and he called upon Mr. Seymour Moubert, Director of Public Information & Education, to outline the District's plans. Mr. Moubert summarized the information in his memorandum dated May 2, 1961, which lists the places and dates of presentation in five counties. Mrs. McMahon reported that the San Francisco Board of Supervisors had referred the model ordinances to the City Attorney for study. When his report comes in, she said, a hearing date will be set. Mr. Walker and Mr. Linsky will be asked to attend that hearing, she stated, to explain the model ordinances and answer questions.

Mr. Linsky reported that ACR 72, which directs a study of the Diesel exhaust problem, had been passed by the State Legislature's Committee on Public Health and was on the Consent Calendar in the Senate.

Mr. Linsky advised that he would leave for Sacramento immediately after making his report in order to attend a hearing on A.B. 2406, for dump burning permits, at 1:30 P.M., and oppose adoption of that bill by the State Legislature as directed by the Board at the April meeting.

Before leaving, Mr. Linsky stated Mr. Don Jensen, Executive Officer of the State Motor Vehicle Pollution Control Board, was in the audience and would address the Board. Mr. Gness introduced Mr. Jensen, who reported that the Motor Vehicle Pollution Control Board was moving ahead rapidly on blow-by and crankcase emissions and hoped to certify two or more control devices in July.

Following the report of the Control Officer, Mr. Della Maggiore stated he wished to make a recommendation on a matter he had been discussing for some time, and which had been recommended by the County Administrators in their report. Mr. Della Maggiore gave notice pursuant to Section 18.1 of the Administrative Code that at the next meeting of the Board of Directors he would move for amendments to the Administrative Code: (1) creating a new Section 7 for the title and duties of an officer to be called an "Executive Officer"; (2) renumbering Section 7 to Section 8, and redescribing the duties of the Air Pollution Control Officer; (3) deleting Section 8 as it now exists; (4) amending Section 16.1 to delete the last 28 words; and (5) making other appropriate changes in the Administrative Code to conform to the above amendments.

Mr. Linsky was excused at 11:35 A.M.

Chairman Byrd reported the Executive Committee had met prior to the Board meeting and had recommended approval of payment of expenses to Directors Buchanan, Merrill, and Byrd for attending sessions of the State Legislature in Sacramento on behalf of the District. Mr. Erickson moved that such expenses be paid. Seconded by Mr. Richards. Unanimously carried on roll call.

Chairman Byrd reported the Executive Committee had also taken the following actions:

1. Authorized Mr. Linsky to attend the annual Air Pollution Control Association meeting in New York, June 11-15, 1961.
2. Taken under study the matter of attendance by staff members at out-of-state technical conferences.
3. Directed that general staff mailings to the directors be limited to two per month; additional mailings to be of an urgency or emergency nature.
4. Recommended reappointment of Mr. Bodine and Mr. Roth to the Hearing Board.

In regard to the last recommendation, Mr. Byrd reported that through an oversight, the Board had failed to reappoint Mr. Roth when his term expired on June 12, 1960. Mr. Chess introduced Resolution No. 217, "In the Matter of Appointing Almon E. Roth as a Member of the Hearing Board and Making Such Appointment Effective Nunc Pro Tunc," and moved its adoption. Seconded by Mr. Merrill. Unanimously carried on roll call.

Mr. Chess introduced Resolution No. 218, "In the Matter of Reappointing E. Spencer Bodine as a Member of the Hearing Board," and moved its adoption. Seconded by Dr. Aby. Unanimously carried on roll call.

Mrs. McMahon advised that the Executive Committee had also considered the matter of sending the Chairman of the Board of Directors to the Air Pollution Control Association meeting in New York, June 11-15, 1961. She stated that since the Executive Committee meeting, she had reconsidered the matter and now believed it advisable and to the benefit of the District if the Chairman of the Board were sent to that meeting; and she so moved. Seconded by Mr. Chess. Carried by the following vote on roll call:

AYES: ABY, CHESS, DELLA MAGGIORE, GNOSS, McMAHON, MERRILL, BYRD.

NOES: BUCHANAN, ERICKSON, RICHARDS.

ABSENT: BLAKE, DUNN.

Mr. Della Maggiore left the meeting at 11:45 A.M.

Mr. Patrick J. Moran, Executive Secretary, advised that the Executive Committee had also considered authorization for the Chairman of the Advisory Council to attend the APCA meeting in New York. Mr. Chess moved that the Chairman of the Advisory Council be authorized to attend such meeting at the District's expense. Following discussion, during which Mr. Walker read Section 12.3 of the Administrative Code, Dr. Aby seconded Mr. Chess's motion. The motion failed by the following vote on roll call:

AYES: ABY, CHESS, GNOSS, BYRD.

NOES: BUCHANAN, ERICKSON, McMAHON, MERRILL, RICHARDS.

ABSENT: BLAKE, DELLA MAGGIORE, DUNN.

Mr. Chess, Chairman of the Budget & Finance Committee, summarized the Controller's Appropriation Statement & Cash Position of the District as of March 31, 1961, and moved its approval. Seconded by Mr. Richards. Carried.

Mr. Chess reported that the Budget & Finance Committee had approved certain fund transfers, and resolutions had been prepared for this purpose. Mr. Chess introduced Resolution No. 219, "In the Matter of Transferring \$450 from Accumulative Reserve to Professional and Special Services to Provide for Statistical Work in Connection with the Plume Evaluation Training Unit," and moved its adoption. Seconded by Mr. Merrill. Unanimously carried on roll call.

Mr. Chess introduced Resolution No. 220, "In the Matter of Making an Appropriation within the 1960-61 Budget for the Purpose of Advisory Council Expense Accounts," and moved its adoption. Seconded by Mr. Merrill. Unanimously carried on roll call.

Mr. Chess was excused at 11:50 A.M.

Mr. McCormick, Chairman of the Advisory Council, called attention to his report dated April 26, 1961, prepared at the request of the Board as a background of the Advisory Council's recommendations regarding orchard heaters. Mr. McCormick stated the Council hopes to have its report regarding improvement and control of watersheds at the June meeting of the Board.

Mr. McCormick requested that a copy of Mr. Della Maggiore's proposals regarding amendments to the Administrative Code be sent to all members of the Advisory Council. Chairman Byrd so ordered.

Mr. Richards stated he had just been informed that the Advisory Council had recommended that its Chairman be authorized to attend the APCA meeting in New York and he would therefore like to reverse his negative vote on authorization for the Chairman of the Board of Directors and the Chairman of the Advisory Council to attend that meeting. When

advised that a reversal of his vote would change the outcome of the motion regarding the Chairman of the Advisory Council, Mr. Richards moved for reconsideration of the vote. Seconded by Dr. Aby. Following a voice vote, Chairman Byrd declared the motion carried. It was agreed by the Board to postpone a vote on this reconsideration until later in the meeting in the event Board members who had left the meeting should return.

Mr. Walker advised that it would be necessary at this meeting, according to the Budget Calendar, to adopt the two alternate preliminary budgets (based on 1¢ and 1.6¢ tax rates) as presented for Fiscal Year 1961-62, and refer them to the Budget & Finance Committee for study and recommendation. Mr. Richards so moved. Seconded by Dr. Aby. Unanimously carried on roll call.

Mr. Walker reported on the cases before the Hearing Board and Superior Court. He advised that in the case of The People v. John Anthony, the Judge had fined the defendant \$5,000 and sentenced him to 50 days in jail for contempt. After the defendant had spent two weeks in jail, however, his attorney moved the Court for modification of the sentence. The Judge afterwards reduced the fine from \$5,000 to \$1,500 and placed the defendant on probation for the balance of his sentence, said Mr. Walker. He further reported that preliminary injunctions had been granted in two other matters before Superior Court.

Mr. Walker called attention to his memorandum dated April 28, 1961, regarding his meetings with city attorneys to discuss Model Ordinances A and B. Their attitude was uniform, he reported, to the extent that they were more receptive to Model A than Model B. They indicated they could fit Model A into their ordinance codes, he said, and would cooperate with the District in enforcement.

Mr. Walker called attention to his Report on the Legislature dated May 2, 1961, and brought it up to date by reporting on the following bills:

- A.B. 2095 - Received recommendation in Public Health and Ways and Means Committees; opposition from City of Alameda; out of Committee on "Do Pass."
- A.B. 2194 - Scheduled for hearing on May 11, 1961.
- A.B. 2284 - Amended by author on April 20, 1961, to the effect that the provisions of the bill do not apply to depositing of debris and rubbish in a container or refuse disposal dump maintained by any federal, state, or local governmental agency or property owner.

Mr. Walker summarized the provisions of A.B. 2741, which he said had been introduced by Mr. Bee on request. The bill would prohibit a legislative body of a local agency from taking any action on any

matter at a meeting at which it is first introduced, he said. Mr. Richards moved that the Board oppose adoption of A.B. 2741. Seconded by Mrs. McMahon. Unanimously carried.

Chairman Byrd called for a roll call vote on reconsideration of authorization for the Chairman of the Advisory Council to attend the APCA meeting in New York. The attendance was authorized by the following vote:

AYES: ABY, GNOSS, MERRILL, RICHARDS, BYRD.

NOES: BUCHANAN, ERICKSON, McMAHON.

ABSENT: BLAKE, CHESS, DELLA MAGGIORE, DUNN.

Mr. Buchanan reported that one communication had been received by the Board since its last meeting: a letter from Margaret Kanzee in appreciation of the Board's Resolution memorializing the passing of Arthur Kanzee, Jr. Mr. Moran read the letter in full.

Mr. Richards announced that he had chosen not to run for reelection to the City Council of Berkeley and would therefore offer his resignation from the Board of Directors at this meeting. He expressed his appreciation to the Board, the Advisory Council, and the District staff for help in the performance of his duty to the District during the past five years. Chairman Byrd conveyed the regret of the Board at Mr. Richards' resignation and expressed appreciation for his valuable services to the District. He ordered that an appropriate resolution be prepared for presentation to Mr. Richards.

Mr. Della Maggiore returned to the meeting at 12:20 P.M.

In discussion of the date for the next regular meeting of the Board, Mr. Walker pointed out that the first Wednesday in June falls on June 7, leaving only two days for consideration of the 1961-62 budget which must be adopted by June 9. Mrs. McMahon moved that the date for the next regular meeting of the Board be changed to Thursday, June 1, 1961, at 10:00 A.M., for the purpose of receiving and considering the budget. Seconded by Mr. Erickson. Carried.

There being no further business, Mr. Richards moved that the meeting be adjourned. Seconded by Mrs. McMahon. Carried.

Chairman Byrd adjourned the meeting to Thursday, June 1, 1961, at 10:00 A.M., at 1480 Mission Street, San Francisco, California.

The meeting adjourned at 12:30 P.M.

Respectfully submitted,

Warren G. "Bud" Buchanan
Secretary, Board of Directors

NH
5/10/61

JR 2466
2 ba. mi

BAY AREA
AIR POLLUTION CONTROL DISTRICT
1480 Mission Street
San Francisco 3, California
Klondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING
AND PUBLIC HEARING ON REGULATION 1, § 3h

Wednesday ✓
December 6, 1961
10:00 A.M.

1480 Mission Street
San Francisco 3
California

M I N U T E S

A regular meeting of the Board of Directors of the Bay Area Air Pollution Control District, and Public Hearing on Regulation 1, § 3h, was held on December 6, 1961, the following being present:

William C. Blake.

BOARD MEMBERS ABSENT: Dr. Charles W. Aby, Andrew C. Byrd,
Kenneth G. Cheatham, T. Louis Chess, Sam Della Maggiore,
Francis Dunn, Clarence D. Erickson, William Gness,
James P. Kenny, Alberto E. Merrill, and
Clarissa S. McMahon.

STAFF MEMBERS PRESENT: Matthew Walker and Norma Howell.

Mr. Blake called the meeting to order at 10:00 A.M.

Following roll call, Mr. Blake noted for the record that he was the only Board member present. Since the meeting lacked a quorum for the conduct of business, Mr. Blake adjourned the meeting and the public hearing on Regulation 1, §3h, to Wednesday, December 13, 1961, at 10:00 A.M.

The meeting adjourned at 10:05 A.M.

Respectfully submitted,

William C. Blake

NH:f
12/11/61

JK2466
C2-ba-mi

BAY AREA
AIR POLLUTION CONTROL DISTRICT
1480 Mission Street
San Francisco 3, California
KLondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING
AND PUBLIC HEARING ON SECTION 3h, REGULATION 1

Wednesday
December 13, 1961
10:00 A. M.

1480 Mission Street
San Francisco 3
California

M I N U T E S

A regular meeting of the Board of Directors of the Bay Area Air Pollution Control District was held on December 13, 1961, with the following members present:

Dr. Charles W. Aby, Andrew C. Byrd, Kenneth G. Cheatham,
T. Louis Chess, Sam Della Maggiore, Francis Dunn,
Clarence D. Erickson, William Gness, James P. Kenny, and
Clarissa S. McMahon.

BOARD MEMBERS ABSENT: William C. Blake and Alberto E. Merrill.

ADVISORY COUNCIL MEMBERS PRESENT: D. Reed Cronin,
William B. McCormick, Ralph W. Shafor, and Dr. W. Elwyn Turner.

HEARING BOARD MEMBERS PRESENT: E. Spencer Bodine, Joseph G. Hunter,
and Almon E. Roth.

STAFF MEMBERS PRESENT: Benjamin Linsky, D. J. Callaghan,
Matthew S. Walker, Dr. H. C. Wohlers, J. D. Coons,
Kevin Maloney, and Norma Howell.

Chairman McMahon called the meeting to order at 10:10 A.M.

On motion of Mr. Della Maggiore, seconded by Mr. Kenny, the Minutes of the November 1 and December 6, 1961 meetings of the Board of Directors were approved as received.

PUBLIC HEARING ON REGULATION 1, SECTION 3h

District Counsel Matthew Walker announced that the public hearing on Regulation 1, Section 3h, had been continued from October 18 to December 6, 1961. On December 6 Director Blake continued the hearing to December 13, 1961.

Mr. Walker presented a redraft of the proposed amendment to Regulation 1, Section 3h, which he said had been discussed with representatives of the county flood control districts on November 21, 1961. He then entered the following exhibits:

- Exhibit 1 - Letter from Santa Clara County Flood Control and Water Conservation District dated December 5, 1961 enclosing a copy of their resolution urging adoption of the proposed amendment.
- Exhibit 2 - Letter from the Contra Costa County Flood Control and Water Conservation District dated 6 December 1961, enclosing a copy of their resolution concurring in the proposed amendment.
- Exhibit 3 - Copy of Contra Costa County Board of Supervisors Resolution No. 492 dated December 12, 1961 concurring in the proposed amendment.
- Exhibit 4 - Copy of San Mateo County Board of Supervisors Resolution No. 16899 dated December 12, 1961 concurring in the proposed amendment.
- Exhibit 5 - Copy of Inter-Department Communication from the County of Alameda, Public Works Department, to Supervisor Francis Dunn, advising that the proposed amendment is satisfactory to them.

Mr. Linsky presented a more restrictive redraft of Section 3h dated December 12, 1961 which had been prepared by Mr. Walker at Mr. Linsky's specific request. He asked the Board to consider this as an alternative to the above mentioned Section 3h. During discussion of the two proposed amendments, the following speakers from the audience were heard:

Mr. V. A. Plumb
Head, Construction and Maintenance Division
Contra Costa County Flood Control and Water
Conservation District
2400 Oak Grove Road
Walnut Creek, California

Mr. George H. Prime, Supervising Engineer
Santa Clara County Flood Control and Water
Conservation District
112 Hamline Street
San Jose, California

Mr. Ernest Tarr, Chief, Inter-Agency
Coordination Branch
Alameda County Flood Control and Water
Conservation District
224 West Winton Avenue
Hayward, California

Mr. Chess was excused at 10:45 A. M.

Following further discussion of the proposed amendments, Mr. Della Maggiore moved that the public hearing on Regulation 1, Section 3h, be closed. Seconded by Mr. Erickson. Carried by the following vote on roll call:

AYES: ABY, BYRD, CHEATHAM, DELLA MAGGIORE, DUNN, ERICKSON,
GNOSS, KENNY.

NOES: McMAHON.

ABSENT: BLAKE, CHESS, MERRILL.

Mr. Della Maggiore moved adoption of Resolution No. 263, "In the Matter of Amending Section 3(h) of Regulation 1," in accordance with the redraft of Section 3(h) presented by Mr. Walker. Seconded by Mr. Kenny. Carried by the following vote on roll call:

AYES: ABY, BYRD, CHEATHAM, DELLA MAGGIORE, DUNN, ERICKSON,
GNOSS, KENNY.

NOES: McMAHON.

ABSENT: BLAKE, CHESS, MERRILL.

Mr. Dunn stated he felt the adopted amendment was not restrictive enough and he intended to prepare in the near future another amendment to Section 3h of Regulation 1 which would impose restrictions as to the locations where burning will be permitted for flood control purposes. Mrs. McMahon suggested that such an amendment, when submitted, might be considered by the Advisory Council, along with the five exhibits entered in the public hearing. Mr. Cronin, Chairman of the Advisory Council, stated that this was a subject the Advisory Council, in his opinion, would be interested in considering further.

PROGRESS REPORT - AIR POLLUTION CONTROL OFFICER
Mr. Linsky

Mr. Linsky read his progress report dated December 12, 1961, which summarized the compliance activities of gray iron foundries, steel foundries, waste wood burners, and incinerator operators in multi-dwelling units and commercial establishments.

REPORT - PERSONNEL COMMITTEE
Mr. Della Maggiore, Chairman

Mr. Della Maggiore reported that the Personnel Committee had met on December 13, 1961 and had taken the following action:

1. Accepted the Chief Administrative Officer's recommendation to deny reclassification requests from three District employees.
2. Approved the creation of a new position of Senior Clerk-Stenographer (\$436-530) to act as Secretary to the Chief Administrative Officer.

On motion of Mr. Della Maggiore, seconded by Mr. Kenny, the Board unanimously adopted Resolution No. 264, "In the Matter of Authorizing the Chief Administrative Officer to Appoint a 'Secretary to the Chief Administrative Officer.'"

3. Approved a one-step increase for the Senior Clerk-Typist in the Library.

On motion of Mr. Della Maggiore, seconded by Mr. Kenny, the Board unanimously adopted Resolution No. 265, "In the Matter of Authorizing a One-Step Increase for the Senior Clerk-Typist in the District Library."

4. Accepted the Chief Administrative Officer's recommendation to abandon the proposal to borrow \$50,000 from the Reserve Fund for employment of additional enforcement personnel, because of the Controller's interpretation of the law in regard to the use of reserve funds.
5. Deferred to the next meeting of the Personnel Committee the matters of the State Cooperative Personnel Services Survey and the Staff Personnel Committee procedures to allow the Chief Administrative Officer more time for study.

Chief Administrative Officer Callaghan stated it was his intention to make a complete analysis of each position on the District staff during the period of Budget preparation in order to evaluate the requirements of the position, the work load, and the time involved in performance of normal duties.

REPORT - BUDGET & FINANCE COMMITTEE
Mr. Erickson, Chairman

On motion of Mr. Erickson, seconded by Dr. Aby, the Board unanimously adopted on roll call the Controller's Appropriation Statement and Cash Position of the District as of October 31, 1961.

Mr. Erickson reported that the Budget & Finance Committee had met on December 13, 1961 and had taken the following action:

1. Recommended that \$600 be transferred from the Account for Office Machines and rebudgeted as follows:
 - \$75 to the Account for Office and Library Furniture;
 - \$275 to the Account for Shop and Field Supplies, Air Monitoring; and
 - \$250 to the Account for Laboratory Supplies.

On motion of Mr. Erickson, seconded by Dr. Aby, the Board unanimously adopted Resolution No. 266, "In the Matter of Transferring Funds from the Office Machines Account to Other Accounts for Supplies."

2. Recommended that \$100 be appropriated from Unappropriated Surplus Account and distributed as follows:
\$50 to the Account for Leasehold Improvements and
\$50 to the Account for Office and Library Furniture.

On motion of Mr. Erickson, seconded by Dr. Aby, the Board unanimously adopted Resolution No. 267, "In the Matter of Appropriating Funds from Unappropriated Surplus for Alterations to the Building and for Other Purposes."

3. Recommended that the Chief Administrative Officer be authorized to refund overpayment of \$2.25 for a "Source Test Manual."

On motion of Mr. Erickson, seconded by Dr. Aby, the Board unanimously adopted Resolution No. 268, "In the Matter of Authorizing the Chief Administrative Officer to Refund an Overpayment Made in Error."

REPORT - CHIEF ADMINISTRATIVE OFFICER
Mr. Callaghan

Mr. Callaghan called attention to the monthly activity report of the Public Information and Education Division dated December 4, 1961. He reported that a presentation had been made by the District on the television show, "Editor's Forum," on Channel 2, KTVU, November 19. He complimented Director Dunn and Mr. Hulan Brinkley of the District staff for their performances on the show.

Mr. Callaghan announced that a continuous automatic air monitoring station will be set up at Union Square Garage on December 27 at 11:00 A.M. He invited all members of the Board to appear at the opening day ceremonies. Since similar installations may be made in other areas of the District at some future date, he suggested that the members of the Board also invite the Chairmen of their respective Boards of Supervisors and the Chairmen of the Mayors' Councils of each county in the District to attend the opening.

Mr. Callaghan reported that the Subcommittee on Air Pollution and Radiation Protection had met on December 11 and considered A.B. 1228. At that meeting, he said, ten witnesses appeared and supported the request for a tax increase. There were no opposition witnesses. The action taken by the Subcommittee was this: They agreed to recommend to the full committee that the District's request for an increased tax rate be placed on the Special Call for the 1962 Legislature. Mr. Rumford advised he would take a poll of the full committee as soon as possible to determine what their recommendation will be. Mr. Callaghan reported that the County Boards of Supervisors of San Mateo and Santa Clara had approved the District's Resolution. San Francisco referred it to committee and it will probably not be heard until after the first of the year. Among the cities favoring the increase are Berkeley, Menlo Park, and San Leandro. Two cities have opposed it: Antioch and Daly City.

REPORT - AIR POLLUTION CONTROL OFFICER
Mr. Linsky

Mr. Linsky referred to a report titled "Compliance Schedule Data - December 1, 1961"

and pointed to page 5, the portion headed "Under Evaluation & Surveillance." The operations listed there are known to be in violation of District regulations, he said. Some of them are preparing to apply for a variance. Others will be brought before the Hearing Board when the evidence against them is accumulated, except where suitable corrective action is completed promptly.

Mr. Linsky pointed to the Schematic Diagram of IBM Data Retrieval System and advised that of the estimated 50,000 emission sources in the District, about 9,500 have registered. He stated that 5,000 registration follow-up forms have been mailed to industry asking for additional information. The IBM retrieval system gives the kind of information, he said, that is necessary for efficient and effective handling of paper on thousands of locations and operations.

Mr. Linsky referred to Dr. H. C. Wohlers' report dated December 7, 1961, subject: "Compliance Schedule Data as of December 1, 1961," which describes the method of handling compliance schedule data. He pointed to the report of the Enforcement Division for October, 1961 which describes the field operations and a summary of man hours of the three area surveillance officers. This report also includes a summary of requests for open burning and a summary of violations recorded.

Mr. Linsky reported that on November 28, a meeting had been held with the Contra Costa County Health Department on the subject of model ordinances. They are developing an amendment to the county building code, he reported, which will provide for permits and the design of a standard type incinerator. Under the amendment, non-standard incinerators must be cleared with the District before a building permit will be issued. The proposed building code amendment does not, however, provide for action in the event an incinerator fails to meet District standards after installation, nor does it cover existing incinerators. It is the intent of the Health Department, said Mr. Linsky, to ask the Board of Supervisors to adopt a resolution authorizing local agencies to cooperate by reporting apparent violations, serving as witnesses, etc. This work is expected to be done without reimbursement from the District, he said.

Mr. Linsky pointed to his memorandum dated December 4, 1961, subject: "General Review of Motor Vehicle Pollution Control Situation," and the attached "Report on Concept of 'Undue Cost'" by D. A. Jensen, Executive Officer of the Motor Vehicle Pollution Control Board, which had previously been mailed to the Board of Directors.

Following Mr. Linsky's report, Chairman McMahon directed him to include in his January progress report a statement on what the automobile industry has done and expects to do with regard to installing standard air pollution control devices on automobiles.

Mr. Dunn was excused from the meeting at 12:00 noon.

REPORT - DISTRICT COUNSEL
Mr. Walker

Mr. Walker called attention to his memorandum of December 12, 1961, subject: "Cases Before the Hearing Board."

In response to a question from Dr. Aby regarding the District's authority to prosecute one-time violators of District regulations, such as the one-time burning of building debris on a construction job, Mr. Walker advised that, ordinarily, one-

time violators will not be brought before the Hearing Board. However, contractors who burn on one job will probably burn on other jobs, he said. If a second violation is discovered by staff members, and adequate evidence can be gathered for prosecution, then the violator can be brought before the Hearing Board said Mr. Walker. He stated further that the newly enacted statute which authorizes the Hearing Board to issue orders for abatement and injunction proceedings should prove very effective in obtaining compliance with District regulations.

Following further discussion of this subject, Mr. Della Maggiore suggested that the District set up a new program of meetings with fire chiefs and officials of fire districts in the six counties of the District for the purpose of discussing cooperative efforts toward the elimination of illegal open burning.

Mr. Walker called attention to a resolution authorizing appointment of a Deputy Administrative Officer which he had prepared at the Board's request. Mr. Callaghan advised that he concurred in the adoption of this resolution. On motion of Mr. Della Maggiore, seconded by Dr. Aby, the Board unanimously adopted Resolution No. 269, "In the Matter of Authorizing the Chief Administrative Officer to Designate a Deputy Administrative Officer During His Absence from the District."

On motion of Mr. Della Maggiore, seconded by Mr. Erickson, the Board unanimously agreed to postpone the January 3rd meeting of the Board to Wednesday, January 10, to permit the Supervisors on the Board to attend the County Supervisors Association of California Convention in Los Angeles the first week in January.

Hearing no objection, Chairman McMahon set the time and place of the next regular meeting of the Board for Wednesday, January 10, 1962, at 10:00 A.M., at 1480 Mission Street, San Francisco 3, California.

There being no further business, the meeting was adjourned at 12:30 P.M.

Respectfully submitted,

Kenneth G. Cheatham
Secretary, Board of Directors

NH:f
12/20/61

U.C. BERKELEY LIBRARIES



C101742569